



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Moore *et al.*

Docket No.: PZ007P2

Application No.: 09/933,767

Confirmation No.: 7025

Filed: August 22, 2001

Art Unit: 1634

For: Method of Diagnosing Pancreatic Cancer

Examiner: B. L. Sisson

**PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM TO THE  
BENEFIT OF A PRIOR-FILED APPLICATION UNDER 37 C.F.R. § 1.78(a)(3)**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

It has come to the attention of the undersigned that the relationship between one pair of applications was not previously indicated in the first sentence of the specification. Therefore, Applicants hereby petition for acceptance of an unintentionally delayed claim to the benefit of priority. In particular, Applicants have concurrently submitted an amendment under 37 C.F.R. § 1.116 to amend the first paragraph of the specification to include the "continuation-in-part" relationship between these applications as shown below (underline indicates previously omitted relationship):

This application is a continuation-in-part of, and claims benefit under 35 U.S.C. § 120 of copending International patent application Serial No: PCT/US01/05614 (in English), filed February 21, 2001, which is hereby incorporated by reference, which claims benefit under 35 U.S.C. § 119(e) based on U.S. Provisional Patent Application Serial Nos. 60/184,836 filed February 24, 2000 and 60/193,170 filed March 29, 2000, both of which are hereby incorporated by reference, and this application is a continuation-in-part of, and claims benefit under 35 U.S.C. § 120 of copending United States patent application Serial No. 09/205,258 filed December 4, 1998, which is hereby incorporated by reference, and which is a continuation-in-part of, and claims benefit under 35 U.S.C. § 120 of International patent application No.: PCT/US98/11422 (in English), filed June 4, 1998, which is hereby incorporated by reference, which

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claims benefit under 35 U.S.C. § 119(e) based on U.S. Provisional Applications, all of which are hereby incorporated by reference...

In support of this request, Applicants note the following:

1. A proper reference to the prior application as required by 35 U.S.C. § 120 and 37 C.F.R. § 1.78(a)(2) is contained in the Amendment under 37 C.F.R. § 1.116 submitted concurrently herewith;
2. The surcharge set forth in 37 C.F.R. § 1.17(t) has been authorized to be paid from Deposit Account No. 08-3425, as itemized on the enclosed Fee Transmittal Sheet; and
3. The undersigned hereby states that the entire delay between the date the benefit claim was due under 37 C.F.R. § 1.78(a)(2)(ii) and the date the claim was filed was unintentional.

Accordingly, as the above submissions fully satisfy the requirements of 37 C.F.R. §§ 1.78(a)(3), Applicants respectfully request that the instant petition be granted, and that the unintentionally delayed benefit claim submitted herewith be accepted and entered in the instant application.

If any further action by Applicants is required, please call the undersigned at the phone number provided below. If there are any additional fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 08-3425.

Respectfully submitted

Date:

9/20/2005



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KKH/DAS/ZS/mr



Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

<b>Effective on 12/08/2004.</b> Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). <b>FEE TRANSMITTAL</b> <b>For FY 2005</b>		<b>Complete if Known</b>	
		Application Number	09/933,767-Conf. #7025
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Filing Date	August 22, 2001
<b>TOTAL AMOUNT OF PAYMENT</b> (\$)		First Named Inventor	Paul Moore
		Examiner Name	B. L. Sisson
1,370.00		Art Unit	1634
		Attorney Docket No.	PZ007P2

<b>METHOD OF PAYMENT</b> (check all that apply)	
<input type="checkbox"/> Check	<input type="checkbox"/> Credit Card
<input type="checkbox"/> Money Order	<input type="checkbox"/> None
<input type="checkbox"/> Other (please identify):	
<input checked="" type="checkbox"/> Deposit Account	Deposit Account Number: 08-3425 Deposit Account Name: Human Genome Sciences, Inc.
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, <b>except for the filing fee</b>
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

<b>FEE CALCULATION</b>							
<b>1. BASIC FILING, SEARCH, AND EXAMINATION FEES</b>							
	<b>FILING FEES</b>		<b>SEARCH FEES</b>		<b>EXAMINATION FEES</b>		
<b>Application Type</b>	<b>Fee (\$)</b>	<b>Small Entity Fee (\$)</b>	<b>Fee (\$)</b>	<b>Small Entity Fee (\$)</b>	<b>Fee (\$)</b>	<b>Small Entity Fee (\$)</b>	<b>Fees Paid (\$)</b>
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
<b>2. EXCESS CLAIM FEES</b>							
						<b>Fee (\$)</b>	<b>Small Entity Fee (\$)</b>
<b>Fee Description</b>							
Each claim over 20 (including Reissues)						50	25
Each independent claim over 3 (including Reissues)						200	100
Multiple dependent claims						360	180
<b>Total Claims</b>		<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>	<b>Multiple Dependent Claims</b>		
18		- 20 =	x	=	<b>Fee (\$)</b>		<b>Fee Paid (\$)</b>
<b>Indep. Claims</b>		<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>			
2		- 3 =	x	=			
<b>3. APPLICATION SIZE FEE</b>							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
<b>Total Sheets</b>	<b>Extra Sheets</b>	<b>Number of each additional 50 or fraction thereof</b>		<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>		
	- 100 =	/50		(round up to a whole number) x			
<b>4. OTHER FEE(S)</b>							
Non-English Specification, \$130 fee (no small entity discount)						<b>Fees Paid (\$)</b>	
Other (e.g., late filing surcharge): 1454 Acceptance of an unintentionally delayed claim ...						1,370.00	

<b>SUBMITTED BY</b>			
Signature		Registration No. (Attorney/Agent)	47,088
Name (Print/Type)	Doyle A. Siever	Telephone	(301) 354-3932
		Date	September 20, 2005